

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

Civil Action No.  
03 MDL 1570 (GBD)(FM)

-----X

This document relates to:

*All Cases*

**PLAINTIFFS' NOTICE OF MOTION  
FOR DECLARATORY RELIEF**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 57 and 28 U.S.C. §2201 and in reliance upon the accompanying Memorandum or Law and supporting Declaration, the Plaintiffs in the above-captioned matter, hereby move for entry of declaratory judgment; specifically, Plaintiffs request that the Court render a declaratory judgment that:

1. Judge Daniels, as an Article III Judge, has security clearance and authority to securely keep and review all the August 25 documents;
2. Judge Daniels, as an Article III Judge, will securely keep and review *in camera* all of the August 25 documents;
3. After conducting that *in camera* review, Judge Daniels will determine whether additional jurisdictional discovery against NCB is warranted; and
4. Plaintiffs may use unclassified facts from the August 25 documents, to the extent they are available, in opposing NCB's renewed motion to dismiss for lack of personal jurisdiction.

This Motion for Declaratory Relief is supported by the following: (1) Plaintiffs' Memorandum Of Law In Support Of Motion For Declaratory Relief and (2) the Declaration of Robert T. Haefele, dated February 23, 2009, with attached exhibits A through K

WHEREFORE, the Plaintiffs respectfully request that this Honorable Court enter an order granting the requested relief.

Dated: February 23, 2009  
Mt. Pleasant, SC

Respectfully submitted,

/S/  
Ronald L. Motley  
Jodi Westbrook Flowers

Donald A. Migliori  
Michael E. Elsner  
Robert T. Haeefe  
Elizabeth S. Smith  
John M. Eubanks  
Vincent I. Parrett  
Leah J. Donaldson  
MOTLEY RICE LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
Telephone: (843) 216-9000